



Security Council

Distr.: General
19 October 2015

Original: English

Letter dated 15 October 2015 from the Permanent Representative of Spain to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 5 October 2015 from the President of the International Committee of the Red Cross containing the "Ethical principles of health care in times of armed conflict and other emergencies" (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(Signed) Román Oyarzun Marchesi

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Annex to the letter dated 15 October 2015 from the Permanent Representative of Spain to the United Nations addressed to the Secretary-General

It is my pleasure to enclose herewith the "Ethical principles of health care in times of armed conflict and other emergencies" (see enclosure). This common code governing the work of health-care professionals has been agreed upon by the World Medical Association, the International Committee of Military Medicine, the International Council of Nurses and the International Pharmaceutical Federation and endorsed by the International Federation of Medical Students' Associations.

Those organizations, which represent over 30 million health-care professionals from both the civilian and military realms, were consulted by the International Committee of the Red Cross (ICRC) in the framework of the Health Care in Danger project, an initiative undertaken by the International Red Cross and Red Crescent Movement to improve the safe delivery of health care in situations of armed conflict and other emergencies.

In 2011, under the auspices of the Health Care in Danger project, the ICRC started analysing data about violent incidents that affected the delivery of health care. Its latest report, released in April 2015, analyses data about 2,398 incidents, collected in 11 countries, from January 2012 to December 2014. The report revealed in particular that health-care personnel were subjected to threats and coerced to act against the ethical principles of their profession and/or to provide free medical treatment. Many were beaten, wounded, arrested and sometimes killed.

The enclosed Ethical principles, which unite health professionals, civilian and military alike, behind a common and concise set of shared principles, are also a call to States, as well as organizations, academia and individuals, to address the issue of violence against health-care professionals and to take a united stand against all forms of disrespect of ethical principles that affect the safe delivery of health care in armed conflict and other emergencies.

Modern international humanitarian law originated from the idea that, to better protect the wounded and sick, it is indispensable to protect medical personnel, transports and facilities. One hundred and fifty-one years ago, this idea met with international consensus and led to the first Geneva Convention of 1864.

However, modern armed conflicts and other emergencies that are governed by legal frameworks other than international humanitarian law are often characterized by the widespread destruction of health infrastructure and the targeting of health personnel. Not only do these attacks take a tragic human toll, they also compromise the ability to deliver health care to people in great need. They pose a formidable challenge to national health systems, not only limiting their effective functioning during instability, but hampering their recovery and development once stability returns.

All States parties to the Geneva Conventions have an obligation to ensure respect for international humanitarian law and thus to make efforts to prevent the occurrence of violations of the obligations under this body of law related to medical personnel and objects. In that regard, the ICRC appreciates the strong international concern and call for action expressed during the sixty-ninth session of the General Assembly in 2014, during which four resolutions were adopted that called upon

States to protect the delivery of health care, reinforce the resilience of national health systems and take appropriate measures to prevent and end violence against health-care professionals. These important achievements at the international level should now be followed by national initiatives to protect health care. By bringing domestic legislation in line with obligations under international law, with the ethical principles set out in this code and by promoting compliance therewith through various strategies, including raising public awareness, training military personnel and supporting health-care organizations, States can ensure that health-care providers are able to work safely and in full compliance with the ethical principles of their profession. The forthcoming International Conference of the Red Cross and Red Crescent, to be held in December 2015, is an important forum for States to once again express their support for international efforts to protect health care and their voluntary commitment to implementing specific measures at the national level.

I trust that you will give the utmost attention to this initiative and in this respect I would like to assure you that the Health Care in Danger project team and the ICRC as a whole stand ready to continue working with you for the protection of health care.

(Signed) Peter Maurer

Enclosure

Ethical principles of health care in times of armed conflict and other emergencies

Within the framework of the Health Care in Danger project, the World Medical Association, the International Committee of Military Medicine, the International Council of Nurses and the International Pharmaceutical Federation were consulted by the International Committee of the Red Cross with the aim of those organizations agreeing on a common denominator of ethical principles of health care applicable in times of armed conflict and other emergencies. The following document, which is the result of those consultations, is without prejudice to existing policy documents adopted by those organizations.

Civilian and military health-care organizations share the common goal of improving the safety of their personnel and other health assets and the delivery of impartial and efficient health care in armed conflicts and other emergencies;

Referring to the principles of humanity, whereby human suffering shall be prevented and alleviated wherever it may be found, and impartiality, whereby health care shall be provided with no discrimination;

Bearing in mind the standards of international humanitarian law, in particular the 1949 Geneva Conventions and their 1977 Additional Protocols, and of international human rights law, specifically the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (1966);

Considering the principles of professional ethics adopted by health-care professional associations, including the World Medical Association Regulations in Times of Armed Conflict and Other Situations of Violence;

Endorse the following ethical principles of health care:

General principles

1. Ethical principles of health care do not change in times of armed conflict and other emergencies and are the same as the ethical principles of health care in times of peace.
2. Health-care personnel shall, at all times, act in accordance with relevant international and national law, ethical principles of health care and their conscience. In providing the best available care, they shall take into consideration the equitable use of resources.
3. The primary task of health-care personnel is to preserve human physical and mental health and to alleviate suffering. They shall provide the necessary care with humanity, while respecting the dignity of the person concerned, with no discrimination of any kind, whether in times of peace or of armed conflict or other emergencies.
4. Privileges and facilities afforded to health-care personnel in times of armed conflict and other emergencies are never to be used for purposes other than for health-care needs.

5. No matter what arguments may be put forward, health-care personnel never accept acts of torture or any other form of cruel, inhuman or degrading treatment under any circumstances, including armed conflict or other emergencies. They must never be present at and may never take part in such acts.

Relations with patients

6. Health-care personnel act in the best interest of their patients and, whenever possible, with their explicit consent. If, in performing their professional duties, they have conflicting loyalties, their primary obligation, in terms of their ethical principles, is to their patients.

7. In armed conflict or other emergencies, health-care personnel are required to render immediate attention and requisite care to the best of their ability. No distinction is made between patients, except in respect of decisions based upon clinical need and available resources.

8. Health-care personnel respect patients' right to confidentiality. It is ethical for health-care personnel to disclose confidential information only with the patient's consent or when there is a real and imminent threat of harm to the patient or to others.

9. Health-care personnel make their best efforts to ensure respect for the privacy of the wounded, sick and deceased, including avoiding the use of health care for the wounded and sick, whether civilian or military, for publicity or political purposes.

Protection of health-care personnel

10. Health-care personnel, as well as health-care facilities and medical transports, whether military or civilian, must be respected by all. They shall be protected while performing their duties, and the safest possible working environment shall be provided to them.

11. Safe access by health-care personnel to patients, health-care facilities and equipment shall not be unduly impeded, nor shall patients' access to health-care facilities and health-care personnel be unduly impeded.

12. In fulfilling their duties and where they have the legal right, health-care personnel are identified by internationally recognized symbols, such as the Red Cross, Red Crescent or Red Crystal, as a visible manifestation of their protection under applicable international law.

13. Health-care personnel shall never be punished for executing their duties in compliance with legal and ethical norms.

Final

14. By endorsing these ethical principles of health care, the signatory organizations commit themselves to work for the promotion and implementation thereof wherever possible, including by appropriate dissemination among their members.